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Att'y Docket: 2711.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 19 2011

OFFICE OF PETITIONS

In Re US Patent to:	)	
Garcia-Sinclair et al.	)	
Serial No.: 09/690,613	)	
Filed: October 16, 2000	)	
Patent No. 6,359,401	)	
Issued: March 19, 2002	)	Date of Expiration:
Date of Patent: March 19, 2002	)	April 19, 2006
Title: <i>MULTI-PHASE BIPOLAR</i>	)	
<i>BRUSHLESS D.C. MOTOR</i>	)	<i>Los Angeles, California</i>

ATTN: Office of Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

**PETITION UNDER 37 CFR 1.378(E) FOR  
RECONSIDERATION OF THE JULY 7, 2011 DECISION ON PETITION**

The Petitioner, Cyclonatix, Inc. ("Petitioner"), respectfully requests reconsideration of the July 7, 2011 Decision on Petition under 37 CFR 1.378(e). The Decision on Petition dismissed Petitioner's November 15, 2010 petition under 37 CFR 1.378(b) for acceptance of an unavoidably delayed maintenance fee payment in the above referenced patent that is incorporated herein by reference.

**I. Procedural Background**

The application for the above-referenced patent ("401 patent") was filed on October 16, 2000 and the '401 patent was issued on March 19, 2002. The '401 patent was assigned to Ultimate Motroller Corporation ("UMC") on October 11, 2000 and then, UMC assigned it to Petitioner on November 10, 2010.

The 3.5 year maintenance fee for the '401 patent should have been paid from March 19, 2005 through September 19, 2005, or with a surcharge during the period from September 20, 2005 through March 19, 2006. Despite patent holder's reasonable care, however, UMC failed to

pay the maintenance fee due to financial hardship during the time period and the '401 patent expired on April 19, 2006. Again, UMC failed to revive the expired '401 patent under 37 CFR 1.378(c) within twenty-four months after the six-month grace period.

On August 25, 2009, UMC filed a petition to revive the expired '401 patent under 37 CFR 1.378(c) to accept an unintentionally delayed payment of a maintenance fee, but the petition was dismissed on February 25, 2010. On November 15, 2010, Petitioner filed a petition under 37 CFR 1.378(b) to accept an unavoidably delayed payment of a maintenance fee for the '401 patent, but the petition was dismissed on July 17, 2011. In response to the petition decision, Petitioner submits this petition under 37 CFR 1.378(e) for reconsideration of the petition decision.

## II. Legal Standard

35 USC 41(c)(1) provides that a patent may be reinstated at any time following expiration of the patent for failure to timely pay a maintenance fee if the delay is shown to the satisfaction of the Director to have been unavoidable. A petition to accept late payment of a maintenance fee, where the delay was unavoidable, must include under 37 CFR 1.378(b): (1) the required maintenance fee set forth in 37 CFR 1.20(e)-(g); (2) the surcharge set forth in 37 CFR 1.20(i)(1); and (3) a showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. Additionally, a showing of unavoidable delay based upon financial condition must establish that the financial condition of the responsible party during the entire period of the delay was such as to excuse the entire delay. *Ex parte Murray*, 1891 Dec. Comm'r Pat. 130,131 (1891); *In re Patent No. 5,085,327*, Paper No. 13, at 7 (Comm'r Pat. Dec. 23, 1999).

## III. Parties Having Direct Knowledge of the Matter

UMC had been the holder of entire interest in the '401 patent from October 11, 2000 to November 10, 2010 and thereafter, the Petitioner has been the holder of entire interest in the '401 patent. Ki Bong Park has been the president and CEO of UMC from January 2003 to January 2005 and thereafter, David Inil Choi has been the president and CEO of UMC. Therefore, Ki Bong Park and David Inil Choi have direct knowledge regarding the matter of this petition. In addition,

Jong Man Lee and Yong Hwan Kei have participated in the business of UMC as founding members, directors or officers, and thus, they have direct knowledge regarding the matter of this petition.

#### **IV. Statement in Support of the Petition for Reconsideration**

Petitioner submits that (1) the required maintenance fees along with surcharges were already paid; (2) reasonable care was taken during the entire period of the delay to ensure timely payment of the maintenance fees; and (3) the financial hardship of UMC during the entire period of delay was such as to excuse the entire delay.

The '401 patent is the only patent, which UMC has, and the most valuable asset to UMC. *See* Exhibit A at ¶ 5; Exhibit B at ¶ 5; Exhibit C at ¶ 5; Exhibit D at ¶ 5. Therefore, UMC officers and directors have always been well aware of the importance of maintaining the '401 patent and they have frequently discussed the matter of maintaining the '401 patent. *See* Exhibit A at ¶¶ 13-16; Exhibit B at ¶¶ 12-14; Exhibit C at ¶¶ 12-14; Exhibit D at ¶¶ 12-15. However, UMC has become financially broke and unable to operate its business since 2003 and this financial hardship prevented timely payment of the maintenance fee for the '401 patent. *See* Exhibits G, H, I, and J; Exhibit A at ¶¶ 6-11; Exhibit B at ¶¶ 6-11; Exhibit C at ¶¶ 6-11; Exhibit D at ¶¶ 6-11. To revive the business of UMC, UMC officers and directors did their best to attract a new investment and the new investment was a prerequisite for paying the maintenance fee or reviving the expired '401 patent. *See* Exhibit A at ¶ 11; Exhibit B at ¶ 11; Exhibit C at ¶ 11; Exhibit D at ¶ 11.

UMC officers and directors struggled to find potential investors, but to no avail until 2009, when Petitioner showed interest in buying the '401 patent. Petitioner provided small amount of financial support so that UMC could file a petition under 37 CFR 1.378(c) to accept an unintentionally delayed payment of a maintenance fee. UMC filed the petition on August 25, 2009, but it was denied on February 25, 2010. Then, UMC considered filing another petition under 37 CFR 1.378(b) to accept an unavoidably delayed payment of a maintenance fee. This petition cost a lot more than that under 37 CFR 1.378(c), and UMC tried hard to find investors in order to file the petition under 37 CFR 1.378(b). Finally, Petitioner agreed to acquire the expired '401 patent and pursue its revival for itself in October 2010. *See* Exhibit A at ¶¶ 17-21; Exhibit B at ¶¶ 15-19; Exhibit C at ¶¶ 15-19.

**A. Appropriate Maintenance Fee and the Surcharge were Already Submitted.**

The Petitioner submitted Credit Card Payment Form to authorize the Director to charge payment of the 3.5 year and 7.5 year maintenance fees along with surcharges, totaling \$2560.00, and such amount was already charged. The breakdown of the payment is as follows:

3.5 year maintenance fee:	490
Surcharge – 3.5 year:	65
7.5 year maintenance fee:	1,240
Surcharge – 7.5 year:	65
Surcharge after expiration (unavoidable):	700

-----  
Total: \$2560.00

Along with this petition, Petitioner submits Credit Card Payment Form to authorize the Director to charge the petition fee of \$400.00 as set forth in 37 CFR 1.17(f).

**B. UMC has Taken Reasonable Care to Ensure Timely Maintenance Fee Payment**

UMC launched its venture to develop, manufacture and sell electric motors for electric vehicles and finally developed a high-performance electric motor. For the invention, the '401 patent was issued in March 2002. Thus, the '401 patent is the most valuable asset to UMC. Furthermore, it is the only patent UMC has. See Exhibit A at ¶ 5; Exhibit B at ¶ 5; Exhibit C at ¶ 5; Exhibit D at ¶ 5.

Due to the importance of the '401 patent, UMC officers and directors have always made best efforts to preserve the '401 patent rights. UMC maintained a corporate record of patent maintenance document and a calendar with markings of due dates to pay the maintenance fee payment. See Exhibit F; Exhibit A at ¶ 14. UMC officers and directors frequently discussed the matter of paying the maintenance fee and held board meeting to discuss the matter as well as finding potential investors. See Exhibit A at ¶¶ 13-16; Exhibit B at ¶¶ 12-14; Exhibit C at ¶¶ 12-14; Exhibit D at ¶¶ 12-15.

The 3.5 year maintenance fee for the '401 patent should have been paid from March 19, 2005 through September 19, 2005, or with a surcharge during the period from September 20,

2005 through March 19, 2006, and at least, board meetings in March and September of 2005, March of 2006, March of 2008, March of 2009, August of 2009, and August of 2010 covered the issue of maintenance fee payment for the '401 patent. *See* Exhibit E. Declarations of Ki Bong Park, David Inil Choi, Jong Man Lee, and Yong Hwan Kei consistently state that since 2004, on many occasions, they discussed the issue of paying maintenance fee through informal discussions or formal board meetings. *See* Exhibit A at ¶¶ 13-16; Exhibit B at ¶¶ 12-14; Exhibit C at ¶¶ 12-14; Exhibit D at ¶¶ 12-15. In addition, the board meeting records and the declarations show that UMC was well aware that after expiration, the expired '401 patent could be revived by a petition. Furthermore, since 2006, UMC officials and directors have continued to discuss the issue of reinstating the expired '401 patent. *See* Exhibit A at ¶¶ 16; Exhibit B at ¶¶ 14; Exhibit C at ¶¶ 14.

Therefore, the evidence shows that UMC has taken reasonable care to ensure that the maintenance fee would be paid in a timely manner.

#### **C. Financial Hardship of UMC Excuses the Entire Period of Delay.**

UMC began its business with the expectation of a new market for electric vehicles as the State of California pursued to pass a Mandatory Regulation Bill to mandate sales of electric cars, as much as 10% of total vehicles sold in California. However, UMC was out of luck as the Bill was found invalid by a court decision. As of 2003, UMC had depleted all the investment funds and incurred outstanding liabilities of over one million dollars. *See* Exhibits G, H and J. The situation worsened as UMC was sued by several creditors. *See* Exhibit K. Until 2004, UMC had become financially broke and unable to pay any business expenses. *See* Exhibit A at ¶¶ 6-10; Exhibit B at ¶¶ 6-10; Exhibit C at ¶¶ 6-10; Exhibit D at ¶¶ 6-10.

Since 2004, UMC's available fund has been consistently less than \$100.00 and unable to pay the 3.5 year maintenance fee for the '401 patent. This is supported by the bank statements of NARA Bank business checking account, the only bank account which UMC had, showing that since 2004, the balance of the account had been consistently less than \$100.00 and finally, on July 31, 2006, the bank account was closed by the bank. *See* Exhibit G; Exhibit A at ¶ 9; Exhibit B at ¶ 9; Exhibit C at ¶ 9; Exhibit D at ¶ 9.

Since 2005, UMC officers and directors have tried hard to revive the business of UMC by finding potential investors, and additional funding was prerequisite for paying the maintenance fee or reinstating the expired '401 patent. Despite their best efforts, UMC failed to attract

additional investment. Finally, in 2009, Petitioner showed interest in the '401 patent and provided small amount of financial support so that UMC could file a petition to reinstate the expired '401 patent under 37 CFR 1.378(c). UMC filed the petition on August 25, 2009, but it was denied on February 25, 2010. Then, UMC considered filing another petition under 37 CFR 1.378(b) to accept an unavoidably delayed payment of a maintenance fee. This petition cost a lot more than that under 37 CFR 1.378(c), and UMC tried hard to find investors so that it could file the petition. Finally, UMC reached an agreement with Petitioner to sell the '401 patent. Pursuant to the agreement, Petitioner purchased the expired '401 patent and filed a petition to reinstate the expired '401 patent under 37 CFR 1.378(b) in October 2010. *See* Exhibit A at ¶¶ 17-21; Exhibit B at ¶¶ 15-19; Exhibit C at ¶¶ 15-19.

Therefore, UMC's financial hardship during the entire period of the delay was such as to excuse the entire delay.

#### **D. Exhibits in Support of this Petition for Reconsideration**

Please find the following exhibits in support of the facts presented above:

- EXHIBIT A:** Declaration of David Inil Choi, a founding member of UMC and the President and CEO of UMC since January 2005, showing reasonable care, taken by UMC for timely payment of the maintenance fee, and financial hardship UMC has gone through; UMC board resolution designating David Inil Choi as its President and CEO;
- EXHIBIT B:** Declaration of Jong Man Lee, a founding member and a director of UMC, showing reasonable care, taken by UMC for timely payment of the maintenance fee, and financial hardship UMC has gone through;
- EXHIBIT C:** Declaration of Yong Hwan Kei, a director of UMC, showing reasonable care, taken by UMC for timely payment of the maintenance fee, and financial hardship UMC has gone through;
- EXHIBIT D:** Declaration of Ki Bong Park, a founding member of UMC and the President and CEO of UMC from March 2003 to January 2005, showing reasonable care, taken by UMC for timely payment of the maintenance fee, and financial hardship UMC has gone through;
- EXHIBIT E:** Minutes of UMC Board Meetings, showing reasonable care, taken by UMC for timely payment of the maintenance fee, and UMC's efforts to find additional investment;

- EXHIBIT F:** Corporate document held by UMC regarding the maintenance fee payments for a patent;
- EXHIBIT G:** UMC's Bank Account Statements of NARA Bank, the only bank account of UMC: quarterly statements for 2004 and monthly statements for 2005 and 2006 until July, 2006 when the Bank Account was closed, showing that the balance of the account had been consistently less than \$100.00;
- EXHIBIT H:** 2001 Income Tax Return, the last tax return filed by UMC, reporting losses of \$991,326.00;
- EXHIBIT I:** California Secretary of State Website, showing UMC's status as suspended; Certificate of Status to suspend UMC's corporation status for failing to pay the California franchise tax; 2003 Statement of Information last filed by UMC;
- EXHIBIT J:** UMC's loans as of November 18, 2002, showing UMC's liabilities totaling more than one million dollars; and
- EXHIBIT K:** Litigation documents where UMC was sued.

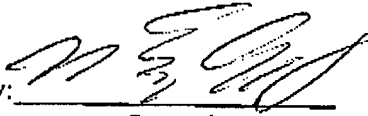
#### V. Conclusion

The Petitioner respectfully submits this petition for reconsideration for your immediate and favorable consideration and requests this petition for reconsideration be granted.

Very truly yours,

Park Law Firm

Dated: 9/7, 2011

By:   
Choongseop Lee, Ph.D.  
Regis. No. 57,051

3255 Wilshire Blvd., Suite 1110  
Los Angeles, California 90010  
Tel: (213) 389-3777

# **EXHIBIT A**



1                                    DECLARATION OF DAVID INIL CHOI

2            I, David Inil Choi, declare as follows:

3            1.     I am one of the founding members and served as a Director of  
4     Ultimate Motroller Corporation, Inc. (hereinafter "UMC") since its incorporation  
5     in 1996, and became the President and CEO of UMC in January, 2005. The facts  
6     herein are within my personal knowledge and if called to testify, I would be  
7     competent to do so.

8            2.     As a Director and current President and CEO of UMC, I have direct  
9     knowledge of UMC's internal affairs and financial situation.

10          3.     UMC was incorporated in 1996 to develop, manufacture and sell  
11     electric motors for electric vehicles.

12          4.     UMC developed a high-performance electric motor and a patent was  
13     issued for the invention in March, 2002 (U.S. Patent No. 6,359,401 (hereinafter  
14     "Patent")).

15          5.     The Patent is the only patent UMC has and the most valuable asset to  
16     UMC.

17          6.     Since late 1990s, UMC incurred many financial losses and was  
18     getting involved in several litigations as a defendant. Whatever income it had went  
19     to addressing the multiple litigations, leaving us in a very vulnerable state  
20     concerning other business matters.

21          7.     Up until 2003, the situation had gradually worsened and UMC  
22     became broke and unable to pay any business expenses.

23          8.     Since 2004, UMC has been unable to keep up with its business and  
24     financial responsibilities, including the maintenance of the Patent.

25          9.     The financial situation of UMC is shown by the bank statements of  
26     NARA Bank business checking account, the only bank account which UMC had.  
27     Since 2004, the balance of the account had been consistently less than \$100.00,  
28     and finally on July 31, 2006, the bank account was closed by the bank.

1        10. Even the incorporation of UMC was suspended in August, 2004 by  
2 Secretary of State of California due to non-payment of California Franchise Tax.

3        11. I was well aware that UMC's future depended on additional  
4 investments and tried hard to find potential investors. I agreed with the idea that  
5 despite the crucial importance of maintaining the Patent, its maintenance or revival  
6 after expiration of the Patent was conditioned on receiving additional fund.

7        12. In January, 2005, I became the President and CEO of UMC, which  
8 had stopped its business operation long ago, and inherited the responsibility of  
9 finding investors to help revive UMC.

10       13. I was always aware of the need to pay the 3.5 year maintenance fee  
11 for the Patent and the need to revive the expired Patent upon expiration.

12       14. I maintained a corporate document regarding the 3.5, 7.5, and 11.5  
13 year maintenance fee payments for the Patent and the calendar marked for due  
14 dates to pay the maintenance fee.

15       15. From 2004 to 2006, on many occasions, I discussed the maintenance  
16 of the Patent with other UMC officers and directors.. Thus, all UMC officers and  
17 directors were well aware that the Patent rights needed to be preserved, but its  
18 maintenance was conditioned on getting more investments for UMC.

19       16. In 2005 and 2006, on several occasions, UMC board meetings were  
20 held for the agenda of potential investment in UMC and maintenance of the Patent.  
21 In the meetings, the status of the Patent was always covered and the matter of  
22 paying maintenance fee or reviving the expired Patent was discussed. Besides the  
23 board meetings, UMC officers and directors had discussed the matter of the Patent  
24 on many occasions. Since 2006, on many occasions, UMC officers and directors  
25 have discussed the issue of reviving the Patent.

26       17. Until 2009, UMC could not find any potential investors.

27       18. In mid 2009, Cyclonatrix, Inc. showed interest in the expired Patent  
28 and offered financial support to reinstate the expired Patent. Therefore, UMC filed

1 a petition in 2009 based on unintentional delay, which was denied in February  
2 2010. UMC decided to proceed with the ground of unintentional delay rather than  
3 the ground of unavoidable delay because the attorney fee was a lot more expensive  
4 for the latter.

5 19. With the denied petition, UMC tried once again to find investors  
6 throughout 2010 so that it could file another petition based on unavoidable delay.

7 20. In around August 2010, Cyclonatrix offered again to take over the  
8 expired Patent and handle the petition to reinstate it.

9 21. In November 2010, UMC assigned the expired Patent to Cyclonatrix  
10 and Cyclonatrix filed a petition to revive the Patent based on unavoidable delay.

11  
12 I declare under penalty of perjury under the laws of the United States and the  
13 State of California that the foregoing is true and correct to the best of my  
14 knowledge.

15  
16  
17 Executed on September 6, 2011 in Los Angeles, California.

18  
19  
20   
21 David Inil Choi

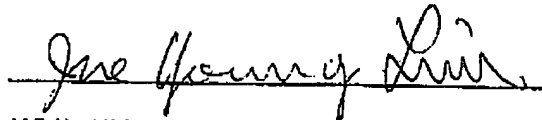
## Ultimate Motroller Corporation

4301 E. Valley Blvd. #C-4, Los Angeles, CA 90032  
Tel ; 714-501-8143 Fax: 714-680-8980

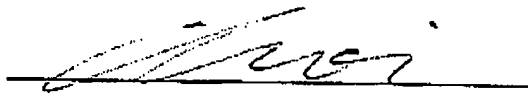
Memo: Minutes of Board of Directors Meeting on January 14, 2005

Subjects discussed and agreed:

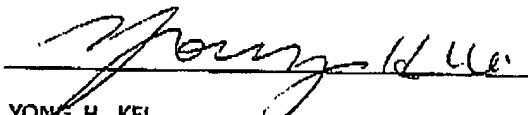
1. BOD agreed to relieve Mr. Ki B. Park from the President /CEO and Board Director positions and appoint Mr. Park as Vice President of Engineering, and to appoint Mr. David Inil Choi as new President /CEO of UMC.
2. BOD agreed to withdraw and recover all license contracts which are signed by former President Mr. Ki B. Park but did not pay any license fees or show any promising achievement for UMC yet.
3. BOD agreed to allow Mr. Park to proceed the Prototype Production of Hybrid System for Electric Bicycle with a Chinese motor manufacturer in the limited range if BOD approves after it reviews a detailed report from Mr. Park.

  
JAE Y. LIM

1/14/2005  
DATE

  
DAVID I. CHOI

1/14/2005  
DATE

  
YONG H. KEI

1/14/2005  
DATE

# **EXHIBIT B**

1                                    DECLARATION OF JONG MAN LEE

2            I, Jong Man Lee, declare as follows:

3            1.     I am one of the founding members of Ultimate Motroller Corporation,  
4   Inc. (hereinafter "UMC") and I served as the director of UMC since its  
5   incorporation in 1996, except the period from May, 2002 to March, 2005. The  
6   facts herein are within my personal knowledge and if called to testify, I would be  
7   competent to do so.

8            2.     As a director, I have direct knowledge of UMC's internal affairs and  
9   financial situation.

10           3.     UMC was incorporated in 1996 to do business to develop,  
11   manufacture and sell electric motors for electric vehicles.

12           4.     UMC developed a high-performance electric motor and a patent was  
13   issued for the invention in March, 2002 (U.S. Patent No. 6,359,401 (hereinafter  
14   "Patent")).

15           5.     The Patent is the only patent UMC has and the most valuable asset to  
16   UMC.

17           6.     Since late 1990s, UMC incurred many financial losses and was  
18   getting involved in several litigations as a defendant. Whatever income it had went  
19   to addressing the multiple litigations, leaving us in a very vulnerable state  
20   concerning other business matters.

21           7.     Up until 2003, the situation had gradually worsened and UMC  
22   became broke and unable to pay any business expenses.

23           8.     Since 2004, UMC has been unable to keep up with its business and  
24   financial responsibilities, including the maintenance of the Patent.

25           9.     The financial situation of UMC is shown by the bank statements of  
26   NARA Bank business checking account, the only bank account which UMC had.  
27   Since 2004, the balance of the account had been consistently less than \$100.00,  
28   and finally, on July 31, 2006, the bank account was closed by the bank.

1        10. Even incorporation status of UMC was suspended in August, 2004 by  
2 Secretary of State of California due to non-payment of California Franchise Tax.

3        11. I was well aware that UMC's future depended on additional  
4 investments and tried hard to find potential investors. I agreed with the idea that  
5 despite the crucial importance of maintaining the Patent, its maintenance or revival  
6 after expiration of the Patent was conditioned on receiving additional fund.

7        12. I have been aware of the need to pay the 3.5 year maintenance fee for  
8 the Patent and the need to revive the expired Patent upon expiration.

9        13. From 2005 to 2006, on many occasions, I participated in discussions  
10 with other UMC officers and directors regarding the maintenance of the Patent.  
11 Thus, all UMC officers and directors were well aware that the Patent rights needed  
12 to be preserved, but its maintenance was conditioned on getting more investments  
13 for UMC.

14        14. In 2005 and 2006, on several occasions, I participated in UMC board  
15 meetings regarding the need to pay maintenance fee for the Patent and revive upon  
16 expiration. Since 2006, on many occasions, UMC officials and directors have  
17 discussed the issue of reviving the Patent.

18        15. Until 2009, UMC could not find any potential investors.

19        16. In mid 2009, Cyclonatix, Inc. showed interest in the expired Patent  
20 and offered financial support to reinstate the expired Patent. Therefore, UMC filed  
21 a petition in 2009 based on unintentional delay which was denied in February  
22 2010. UMC decided to proceed with the ground of unintentional delay rather than  
23 the ground of unavoidable delay because the attorney fee was a lot more expensive  
24 for the latter.

25        17. With the denied petition, UMC tried once again to find investors  
26 throughout 2010 so that it could file another petition based on unavoidable delay.

27        18. In around August 2010, Cyclonatix offered again to take over the  
28 expired Patent and handle the petition to reinstate it.

19. In November 2010, UMC assigned the expired Patent to Cyclonatrix and Cyclonatrix filed a petition to revive the Patent based on unavoidable delay.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct to the best of my knowledge.

Executed on September 2, 2011 in Los Angeles, California.

Jong Man Lee  
Jong Man Lee



# EXHIBIT C

1                                    DECLARATION OF YONG HWAN KEI

2            1, Yong Hwan Kei, declare as follows:

3            1.     I am a director of Ultimate Motroller Corporation, Inc. (hereinafter  
4     "UMC"). The facts herein are within my personal knowledge and if called to  
5     testify, I would be competent to do so.

6            2.     As a director, I have direct knowledge of UMC's internal affairs and  
7     financial situation.

8            3.     UMC was incorporated in 1996 to develop, manufacture and sell  
9     electric motors for electric vehicles.

10           4.     UMC developed a high-performance electric motor and a patent was  
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17     to addressing the multiple litigations, leaving us in a very vulnerable state  
18     concerning other business matters.

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22     financial responsibilities, including the maintenance of the Patent.

23           9.     The financial situation of UMC is shown by the bank statements of  
24     NARA Bank business checking account, the only bank account which UMC had.  
25     Since 2004, the balance of the account had been consistently less than \$100.00,  
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1        10. Even incorporation status of UMC was suspended in August, 2004 by  
2 Secretary of State of California due to non-payment of California Franchise Tax.

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4 investments and tried hard to find potential investors. I agreed with the idea that  
5 despite the crucial importance of maintaining the Patent, its maintenance or revival  
6 after expiration of the Patent was conditioned on receiving additional fund.

7        12. I have been aware of the need to pay the 3.5 year maintenance fee for  
8 the Patent and the need to revive the expired Patent upon expiration.

9        13. From 2004 to 2006, on many occasions, I participated in discussions  
10 with other UMC officers and directors regarding the maintenance of the Patent.  
11 Thus, all UMC officers and directors were well aware that the Patent rights needed  
12 to be preserved, but its maintenance was conditioned on getting more investments  
13 for UMC.

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15 meetings regarding the need to pay maintenance fee for the Patent and revive it  
16 upon expiration. Since 2006, on many occasions, UMC officials and directors  
17 have discussed the issue of reviving the Patent.

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22 2010. UMC decided to proceed with the ground of unintentional delay rather than  
23 the ground of unavoidable delay because the attorney fee was a lot more expensive  
24 for the latter.

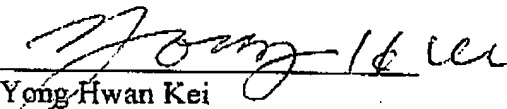
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26 throughout 2010 so that it could file another petition based on unavoidable delay.

27        18. In around August 2010, Cyclonatrix offered again to take over the  
28 expired Patent and handle the petition to reinstate it.

1           19. In November 2010, UMC assigned the expired Patent to Cyclonatrix  
2 and Cyclonatrix filed a petition to revive the Patent based on unavoidable delay.  
3  
4

5           I declare under penalty of perjury under the laws of the United States and the  
6 State of California that the foregoing is true and correct to the best of my  
7 knowledge.  
8

9 Executed on September 20, 2011 in Los Angeles, California.  
10  
11

12   
13 Yong Hwan Kei  
14  
15  
16  
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# **EXHIBIT D**

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45,

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1 had. Since 2004, the balance of the account had been consistently less than  
2 \$100.00, and finally on July 31, 2006, the bank account was closed by the bank.

3 10. Even the corporation status of UMC was suspended in August 2004  
4 by the Secretary of State of California due to non-payment of California Franchise  
5 Tax.

6 11. UMC officers and directors, including myself, were well aware that  
7 UMC's future depended on additional investments and tried hard to find potential  
8 investors. Despite the crucial importance of maintaining the Patent, its  
9 maintenance or revival after expiration of the Patent was conditioned on receiving  
10 additional fund.

11 12. I have been aware of the need to pay the 3.5 year maintenance fee for  
12 the Patent and the need to revive the expired Patent upon expiration.

13 13. I maintained a corporate document regarding the 3.5, 7.5, and 11.5  
14 year maintenance fee payments for the Patent and marked the calendar for due  
15 dates for the maintenance fee payment.

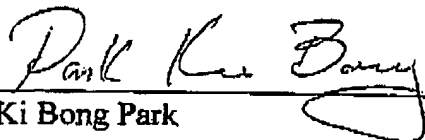
16 14. From 2004 to 2006, on many occasions, I discussed the maintenance  
17 of the Patent with other UMC officers and directors. Thus, all UMC officers and  
18 directors were well aware that the Patent rights needed to be preserved, but its  
19 maintenance was conditioned on getting more investments for UMC.

20 15. I was well aware that in 2005 and 2006, on several occasions, UMC  
21 board meetings were held for the agenda of potential investment in UMC and  
22 maintenance of the Patent. Besides the board meetings, UMC officers and directors  
23 had discussed the matter of the Patent on many occasions.

24  
25  
26 I declare under penalty of perjury under the laws of the United States and the  
27 State of California that the foregoing is true and correct to the best of my  
28 knowledge.

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Executed on September 6, 2011 in Los Angeles, California.

  
Ki Bong Park



# EXHIBIT E

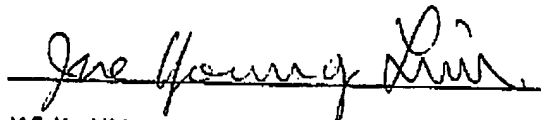
## Ultimate Motroller Corporation

4301 E. Valley Blvd. #C-4, Los Angeles, CA 90032  
Tel : 714-501-8143 Fax: 714-680-8980

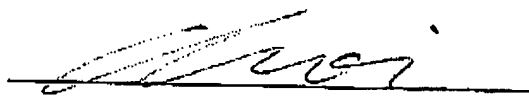
Memo: Minutes of Board of Directors Meeting on January 14, 2005

Subjects discussed and agreed:

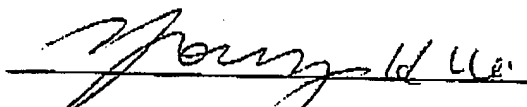
1. BOD agreed to relieve Mr. Ki B. Park from the President /CEO and Board Director positions and appoint Mr. Park as Vice President of Engineering, and to appoint Mr. David Inil Choi as new President /CEO of UMC.
2. BOD agreed to withdraw and recover all license contracts which are signed by former President Mr. Ki B. Park but did not pay any license fees or show any promising achievement for UMC yet.
3. BOD agreed to allow Mr. Park to proceed the Prototype Production of Hybrid System for Electric Bicycle with a Chinese motor manufacturer in the limited range if BOD approves after it reviews a detailed report from Mr. Park.

  
JAE Y. LIM

1/14/2005  
DATE

  
DAVID I. CHOI

1/14/2005  
DATE

  
YONG H. REI

1/14/2005  
DATE

## Ultimate Motroller Corporation

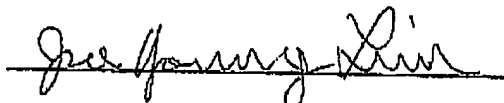
4301 E. Valley Blvd. #C-4, Los Angeles, CA 90032

Tel: 714-501-8143 Fax: 714-580-8980

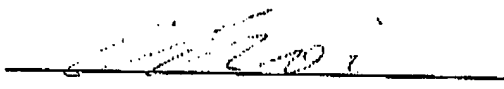
Memo: Minutes of Board of Directors Meeting on March 15, 2005

Subjects discussed and agreed:

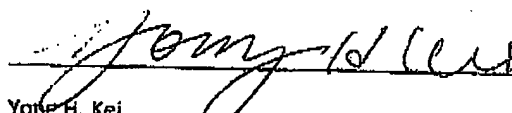
1. BOD agreed to appoint Mr. Jong M. Lee as a new Director to fill in a vacant seat.
2. BOD approved to open the Investment Negotiation with General Tool Inc., California to bring some funds to cover unpaid Account Payable including unpaid State Corporation Taxes and other General Expenses.
3. BOD acknowledged the 3.5 year Patent Maintenance Fee needs to be paid by September 19, 2005, and agreed to pay this Fee first from any investment coming in, including other related expenses like attorney fee.
4. BOD approved to send one set of Motor and Controller to the Mamata Group, India.

  
Jae Y. Lim

3/15/05  
Date

  
David Inil Choi

3/15/2005  
Date

  
Yong H. Kei

3/15/2005  
Date

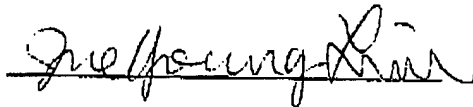
## Ultimate Motroller Corporation

4301 E. Valley Blvd. #C-4, Los Angeles, CA 90032  
Tel; 714-501-8143 Fax: 714-680-8980

**Memo: Minutes of Board of Directors Meeting on September 15, 2005**

**Subjects discussed and agreed:**

1. BOD acknowledged the delay of the Investment Negotiation with General Tool, due to its legal problem.
2. BOD agreed to start Licensing Agreement Negotiation with Mamata Group, India, to bring funds for unpaid A/P, especially unpaid State Corporation Taxes to update Corporation status.
3. BOD acknowledged the 3.5 year Patent Maintenance Fee to be paid by March 19, 2006 upon payment of surcharge and agreed to prepare some fund for the Fee and other related expenses like Attorney Fee.



Jae Y. Lim

9/15/2005

Date



David In Choi

9/15/2005

Date



Jong M. Lee

9/15/2005

Date

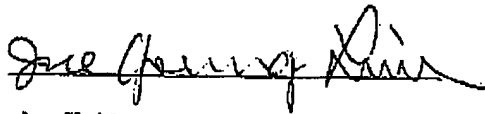
# Ultimate Motroller Corporation

4301 E. Valley Blvd. #C-4, Los Angeles, CA 90032  
Tel: 714-501-8143 Fax: 714-680-8980

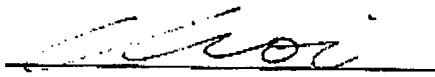
**Memo: Minutes of Board of Directors Meeting on March 31, 2006**

**Subjects discussed and agreed:**

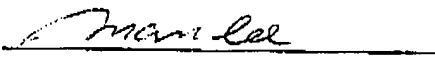
1. BOD acknowledged Licensing Agreement with Mamata Group is delayed and suspended because of their inside conflict.
2. BOD approved to contact and start the discussion with Quiet Side Corporation, California for the Licensing of UMC Patent for Air Conditioning Application.
3. BOD acknowledged our Patent will expire due to failure to pay 3.5 year Patent Maintenance Fee and needs to be revived.

  
Jae Y. Lim

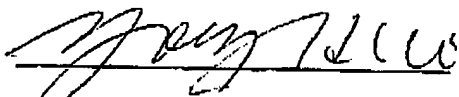
3/31/06  
Date

  
David In Choi

3-31-06  
Date

  
Jong M. Lee

3/31/06  
Date

  
Yong H. Kei

3/31/2006  
Date

# Ultimate Motroller Corporation

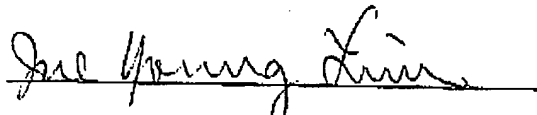
4301 E. Valley Blvd. #C-4, Los Angeles, CA 90032

Tel : 714-501-8143 Fax: 714-680-8980

Memo: Minutes of Board of Directors Meeting on October 25, 2007

Subjects discussed and agreed:

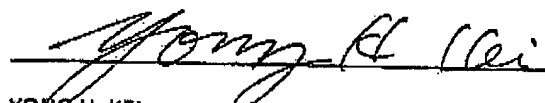
1. BOD acknowledged that all other negotiations were unsuccessful, except Quiet Side Corp.
2. BOD agreed the resignation of Sang M. Han from a Director position.

  
JAE Y. LIM

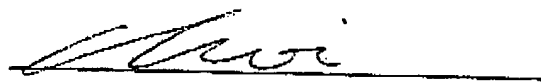
10/25/2007  
DATE

  
JONG M. LEE

10-25-2007  
DATE

  
YONG H. KEI

10/25/2007  
DATE

  
DAVID INIL CHOI

10/25/2007  
DATE

# Ultimate Motroller Corporation

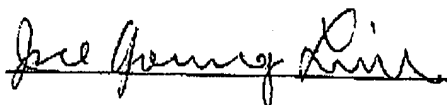
4301 E. Valley Blvd. #C-4, Los Angeles, CA 90032

Tel: 714-501-8143 Fax: 714-680-8980

**Memo: Minutes of Board of Directors Meeting on March 17, 2008**

**Subjects discussed and agreed:**

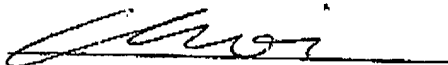
1. BOD acknowledged the Licensing Negotiation with Quiet Side Corporation was suspended due to its severe drop of sales volume.
2. BOD acknowledged March 19, 2008 will be the last day to reinstate Patent and this Patent is the only Patent of UMC .
3. BOD agreed to do every effort to prepare fund for Patent Reinstatement.
4. BOD approved to look for Korean companies in Korea which are interested in our BLDC motor technology, Joint Venture, or investments.



Jae Y. Lim

3-17-08

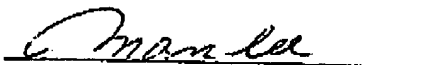
Date



David In Choi

3/17/2008

Date



Jong M. Lee

3/17/08

Date

# Ultimate Motroller Corporation

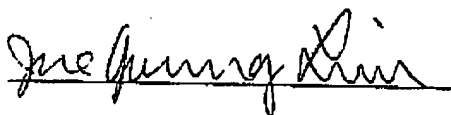
4301 E. Valley Blvd. #C-4, Los Angeles, CA 90032

Tel ; 714-501-8143 Fax: 714-680-8980

**Memo: Minutes of Board of Directors Meeting on March 30, 2009**

**Subjects discussed and agreed:**

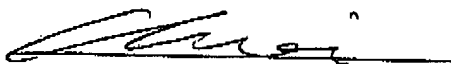
1. BOD acknowledged the Investment Negotiation with Cyclonafix, Inc to prepare funds for the expenses for reinstating Patent, and revival of UMC.
2. BOD agreed to prepare the payment of 7.5 years Maintenance Fee, which will be due on September 19, 2009 after the Reinstatement.
3. BOD agreed to do continuous efforts to prepare fund for Patent Reinstatement.



Joe Y. Lim

3-30-2009

Date



David In Choi

3-30-2009

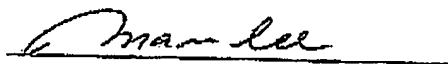
Date



Yong H. Kei

3/30/2009

Date



Jong M. Lee

3/30/09

Date



# Ultimate Motroller Corporation

4301 E. Valley Blvd. #C-4, Los Angeles, CA 90032

Tel ; 714-501-8143 Fax: 714-680-8980

**Memo: Minutes of Board of Directors Meeting on August 20, 2009**

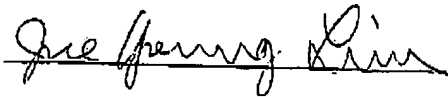
**Subjects discussed and agreed:**

1. BOD approved the assignment deal with Cyclonatix, Inc.

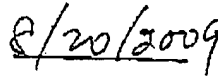
Cyclonatix, Inc will give 20% of its common shares and 5% Royalty to UMC, in exchange of the Patent Assignment to Cyclonatix.

2. BOD agreed to submit the Petition on Patent Reinstatement.

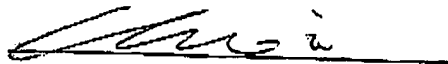
BOD acknowledged that Cyclonatix, Inc will pay for all related costs for the reinstatement and assignment of the Patent, including Government Fees, and Attorney Fee.



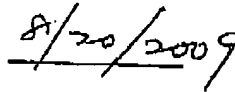
Jae Y. Lim



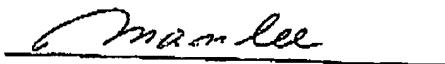
Date



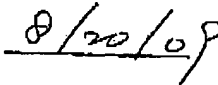
David In Choi



Date



Jong M. Lee



Date

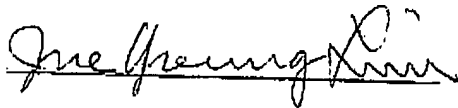
# Ultimate Motroller Corporation

4301 E. Valley Blvd. #C-4, Los Angeles, CA 90032  
Tel: 714-501-8143 Fax: 714-680-8980

**Memo: Minutes of Board of Directors Meeting on August 20, 2010**

**Subjects discussed and agreed:**

1. BOD agreed to submit the Petition on Patent Reinstatement with the financial support by Cyclonatix, Inc.  
BOD acknowledged that Cyclonatix, Inc offered to pay for all related costs for the reinstatement and assignment of the patent, including Government Fees and Attorney Fee, with the conditions in the next article 2.
2. BOD approved to accept the patent assignment offer by Cyclonatix, Inc. Cyclonatix, Inc will give 30% of its common shares to UMC, in exchange of the patent assignment to Cyclonatix, if the patent will be successfully reinstated.



Jae Y. Lim

8/20/2010

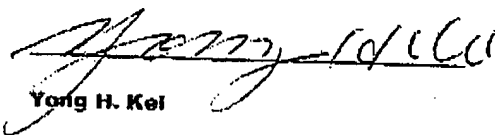
Date



David In Choi

8/20/2010

Date



Yong H. Kei

8/20/2010

Date



Jong M. Lee

8/20/2010

Date

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Approved for use through 07/31/2012. OMB 0931-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Neil Garcia-Sinclair, Ki Bong Park/CYCLONATIX, INC.

Application No./Patent No.: 09/690,613/6,359,401

Filed/Issue Date: October 16, 2000/March 19, 2002

Title: Multi-phase bipolar brushless D.C. motor

CYCLONATIX, INC.

, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)  
the patent application/patent identified above, by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy therefore is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Neil Garcia-Sinclair, Ki Bong Park To: ULTIMATE MOTROLLER CORPORATION

The document was recorded in the United States Patent and Trademark Office at  
Reel 011239, Frame 0599, or for which a copy thereof is attached.

2. From: ULTIMATE MOTROLLER CORPORATION To: CYCLONATIX, INC.

The document was recorded in the United States Patent and Trademark Office at  
Reel 025364, Frame 0377, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.09]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Jose Y. Lim  
Signature

09/06/2011

Date

JOE Y. LIM

CEO of Cyclonatic, Inc.

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-4U.S.A.

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS</b>	Patent Number	8,359,401
	Issue Date	03/19/2002
	First Named Inventor	Nail Garcia-Sindair
	Title	Multi-phase bipolar brushless D.C. motor
	Attorney Docket Number	2711.01

I hereby revoke all previous powers of attorney given in the above-identified patent.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith: 29338

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified patent to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☐ Inventor, having ownership of the patent.

OR

☒ Patent owner.

Statement under 37 CFR 3.73(b) (Form PTO/SB/95) submitted herewith or filed on \_\_\_\_\_

SIGNATURE of Inventor or Patent Owner	
Signature	<i>Jae Y. Lim</i>
Name	JAE Y. LIM
Date	09/08/2011
Title and Company	CEO of Cyclonatic, Inc.
Telephone	

NOTE: Signatures of all the inventors or patent owners of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.